

Communication Workers Union

Health And Safety Inspections Guide For Safety Representatives

INSPECTION OF THE WORKPLACE

One of the main functions of a safety representative is to carry out safety inspections of the workplace and during European Health and Safety Week we are again promoting the TUC's National Inspection Day Campaign. The aim is to encourage CWU safety reps to carry out their legal right to inspect workplaces for health and safety problems, and improve upon those figures which show that a workplace with union safety reps is twice as safe as a workplace without one. Safety Reps are encouraged to carry out inspections according to the theme of the Week or on a health and safety risk which is a pressing concern at their workplaces or areas where they represent CWU Members. New safety representatives may want to seek advice from a more experienced safety rep.

Inspections do more than just help identify potential hazards, they also show CWU members that our officials are taking their responsibilities as a safety representative seriously.

The Safety Representatives and Safety Committees (SRSC) Regulations 1977 (and Safety Representatives and Safety Committees Regulations (Northern Ireland) 1979) give trade union Safety Reps the right to formally inspect workplaces every 3 months (or more frequently if required). Arrangements for three-monthly and other more frequent inspections will normally be notified to management. As well as making an inspection every three months, you also have the right to inspect after accidents, dangerous occurrence or industrial diseases, where there has been changes in working conditions or if new information becomes available or if the Safety Rep receives complaints from members.

Formal inspections are no substitute for daily observation, but they provide a useful opportunity to carry out a full-scale examination of all or part of the workplace. Remember that an inspection is not just looking around the workplace, it includes the inspection of working practices, inspecting documents required by health and safety legislation such as risk assessments, safe systems of work, safety instructions, COSHH data sheets, Asbestos Registers etc and certificates concerning the testing of equipment. It is also another opportunity for the Safety Rep to talk directly to members about Health, Safety, Welfare and Environmental issues.

Following an Inspection some safety representatives then meet management to report their findings. Others prefer to be accompanied by a manager or the safety advisor. Both have their advantages. However, management do have to right to be present in the workplace but the Inspection is the property of the Safety Rep and a legal entitlement which can not be interfered with by management. Safety Reps should make sure they always have the opportunity to speak to members on their own in private if required, without management present to ensure the opportunity is afforded to express any concerns without feeling intimidated.

This facility to speak to members privately is provided for under Regulation 5 of the Safety Representatives and Safety Committees (SRSC) Regulation

Safety Reps do not have to inspect all the workplace at one time as it may be impracticable at large workplaces. Safety Reps can break it up and do separate inspections. Safety Reps should make sure they co-ordinate with other Safety Reps from CWU and other Unions covering other grades in the Workplaces they inspect. If there are shifts in the workplace then the Safety Rep should make sure that they inspect at different times, as some problems may only be apparent on certain shifts. Also remember to include groups like cleaners and security staff who may work outside standard hours.

Following an inspection, safety representatives should complete an inspection form, recording the date, time and details of the inspection. An example of an inspection form can be found in the appropriate national agreements. The completed Inspection form should be given or sent to the management and a copy should always be retained by the safety representative for their own records and for reference during safety committee discussions or discussions with the enforcing authority inspectors should they visit the Workplace. Otherwise issues can be raised in correspondence with the appropriate managers.

However, if a problem is identified that requires immediate action by management, do not rely on just a form, tell them at once verbally as well. A Safety Representative should ensure that all important issues are reported in writing and records are kept.

A WORKPLACE

The definition of a "Workplace" is set out in the Safety Representatives and Safety Committees (SRSC) Regulations "Interpretation" section. A Workplace in relation to a Safety Representative means any place or places where the employees he/she is appointed to represent are likely to work or frequent in the course of their employment or incidentally to it which means just about anywhere a member goes during their time at work. This means that Safety Representative are entitled to undertake Inspections wherever the members represented go about their jobs and the employers are legally obliged to provide such facilities and assistance as the Safety Representative may require.

PREPARING FOR AN INSPECTION

Safety Reps should prepare in advance for an inspection. It is often an idea to agree a date in advance and put up a notice or circulate members telling them when the inspection will take place. You can ask them to let you know in advance if there are any problems they want you to look at.

Before you start, check the accident book and get details of any accident reports, especially RIDDOR reportable accidents. You should also check the risk assessments and any safety documents, records, training records and safety data sheets etc. Safety Reps are entitled to see these by law.

In the case of risk assessments it is useful during the inspection to check whether they have covered all likely risks or need reviewing. The legal right for a Safety Rep to inspect documents is provided for under Regulation 7 of the Safety Representatives and Safety Committees (SRSC) Regulations.

CARRYING OUT AN INSPECTION

Many safety representatives use a checklist for their inspections. These can be useful and can be adapted to suit their own needs. Carrying out an inspection is not just about ticking off boxes. Taking the opportunity of talking to members about any issues or problems they have is vital. Remember that safety representatives cover all workers, so if there are any non-union people, any potential risk to them is a potential risk to your members so should not be ignored. Also health and safety is a great recruiting tool.

Safety Reps should not just look at issues such as physical hazards when carrying out their inspection. Problems such as workload, working practices, working time training and stress are just as important. Check the Risk Assessments and Safe Systems of Work - are they being followed? Are they suitable and sufficient? Do they need reviewing?

Ensure that peripatetic workers, (itinerate travelling members working outside or on customers premises) are covered by inspections.

Safety Reps should take their time and make plenty of notes. On some issues they may have to make enquiries, check records and undertake research or seek advice from the union, the employer's safety officer or the HSE or Local Authority Environmental Health Officer (EHO).

INSPECTIONS AFTER AN ACCIDENT, INDUSTRIAL DISEASE OR DANGEROUS OCCURRENCE

Where there has been an accident, dangerous occurrence or a notifiable disease, it is important that the inspection takes place as soon as possible. However, Safety Reps should not investigate until they are sure that the workplace is safe.

In addition to doing an inspection of the accident scene, the safety representative should get anyone involved or those who witnessed the incident to write down details of what happened while it is still fresh in their mind.

Safety Representatives should also follow up and investigate "near-miss" incidents that come to their attention as in many cases serious injury or death is narrowly avoided but the hazard remains and unless action is taken to make safe the cause of the incident, someone may not be so lucky next time round.

If there is a serious incident that has led to someone being badly injured or killed, or there had been a major occurrence such as the building, machinery or scaffolding collapse for example, the area should be treated as a crime scene and not be touched until the HSE or local authority inspectors (and in some cases the Police) have seen it and conducted their investigations.

In such serious cases, work should not re-start until the cause of the incident has been ascertained and measures put in place to ensure that it cannot happen again. If the management do try to restart work after a serious incident without an investigation the safety rep should contact a senior manager or contact the union or the enforcing authority for advice immediately.

REPORTING PROBLEMS AFTER AN INSPECTION

Safety representatives should record every health and safety problem or any unsatisfactory welfare arrangement on the inspection report form.

Inspection report forms are contained in the Union's national agreements with the employers and a general example can be found in the Safety Representatives and Safety Committees (SRSC) Regulations 1977 "Brown Book". Serious problems should also be notified verbally immediately but preferably in writing to ensure a record is kept by all concerned - Safety Rep and Manager being notified.

The safety inspection report form should be submitted to the management. Many safety representatives also put a copy on the notice board so that members can see it. This is a good way of involving members and showing the usefulness of Union safety representatives.

However, that is not the end of it. The safety representative must make sure that management act on the report. The guidance to the safety representatives' regulations states that "Where safety representatives have made a written report to the management, appropriate remedial action will normally be taken by the employer. Where remedial action is not considered appropriate, or cannot be taken within a reasonable period of time, or the form of remedial action is not acceptable to the safety representatives, then the employer should explain the reasons and give them in writing to the safety representatives " The guidance also recommends that management's response should be publicised. The best way of doing that is either reporting directly back to the members involved, circulating a report or putting management's response on the notice board next to the safety representative's report.

If there are several problems the Safety Rep should seek to agree with management a timetable for getting things done, however, if there is a serious matter that is likely to cause injury or illness and the manager is not treating it with the urgency it deserves, the Safety Rep should escalate the issue to a more senior manager or seek further advice from the Union or HSE/EHO.

Even after management have agreed a programme to rectify any problems the Safety Rep will have to check that the measures have been carried out by the agreed date. The Safety Reps may need to undertake follow-up Inspections to check progress on the original Inspection where they consider it necessary taking account of the seriousness or number of issues found on Inspections.

Issues unresolved in a reasonable time can be raised at the joint Safety Committee covering the workplaces concerned.

Copies of the appropriate National Agreements or SRSC Regulations are available on request from the CWU Health, Safety & Environment Department.

MEMBERS COMPLAINTS, CHANGE IN WORKING CONDITIONS OR NEW HAZARD INFORMATION

In response to a member or group of member complaints, if the working conditions or working practices change or new hazards occur the Safety Representative may carry out additional workplace inspections or investigations in order to resolve any issues arising. It is important that Safety Representatives are involved and consulted properly by management prior to any changes affecting health and safety in the workplace. Management have a legal obligation to consult and to take into account the input and views of the Safety Representative in making any final decisions.

HEALTH & SAFETY REPRESENTATIVES LEGAL RIGHTS TO CARRY OUT INSPECTIONS AND INVESTIGATIONS

Attached for your information is a summary of a Trade Union Safety Representatives Legal Rights to carry out Inspections and Investigations extracted from the Safety Representatives and Safety Committee Regulations 1977 (and similarly the Safety Representatives and Safety Committees Regulations (Northern Ireland) 1979). Management have a legal obligation to provide the Safety Representative with Access, Assistance, Facilities, Paid time off for the time spent and Privacy if requested.

Dave Joyce
Communication Workers Union
National Health Safety & Environment Officer

**Health & Safety Representatives
Legal Rights to carry out Inspections and Investigations**

Kind of inspection (SRSC Regs 1977)	Rights of employer	Rights of representative	Time of inspection
Regular Reg 5(1)	Written notice of Presence in work place	Access, Assistance, Facilities, Privacy if requested & Payment for time spent	3 monthly or by agreement
Accident Regs 6(1) & 4(1)(a)	Written or oral notice if reasonably practicable	Access, Assistance, Facilities. Privacy if requested & Payment for time spent	Following accident
Dangerous Occurrence Regs 6(1) & 4(1)(a)	Written or oral notice if reasonably practicable of Presence in workplace	Access, Assistance, Facilities, Privacy if requested & Payment for time spent	Following dangerous occurrence
Disease Reg 6(1)	Written or oral notice if reasonably practicable of Presence in workplace	Access, Assistance, Facilities, Privacy if requested & Payment for time spent	On identification
Change in conditions of work Reg 5(2)	To be consulted	Access, Assistance, Facilities, Privacy if requested & Payment for time spent	Following change
New Hazard information Reg 5(2)	To be consulted	Access, Assistance, Facilities, Privacy if requested & Payment for time spent	Following notification by HSC or HSE
Employee complaint Reg 4(1)(b)	Oral notice of Presence in workplace	Access & Payment for time spent	On receipt
Investigation on own initiative Reg 4(1)(a)	Oral notice of Presence in workplace	Access & Payment for time spent	At representative's discretion
Documents Reg 7, Code Para 6	Reasonable notice Privacy of excepted materials	Sight of documents, Taking of copies, Access to information & Payment for time spent	Continuous

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